

Appl. No. 10/632,596
Amdt. dated June 4, 2007
Reply to Office Action of March 7, 2007

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REMARKS

Claims 1-22 are presented for Examiner Stephens's consideration.

1. Paragraph 1 of the Office Action Mailed March 7, 2007: Objection to Claim 7.

In the Office Action mailed March 7, 2007, the Examiner objects to claim 7 on account of a misspelling. Claim 7 has been amended herein to correct this misspelling.

2. Paragraph 3 of the Office Action Mailed March 7, 2007: Rejection of claims 1-22 Under 35 U.S.C. §102(a).

Claims 1-22 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. US 2002/0123730 published to Popp et al. (hereinafter "Popp '730"). Applicants respectfully traverse the rejection.

Prefastened, refastenable absorbent garments, such as training pants, may include mechanical fasteners, such as hook components. During packaging, those mechanical fasteners can become tightly compressed, and in some cases can become creased or crushed. Such damage to the fastener material can lead to inferior fastener performance. See, e.g., Popp '730, paragraph [0004]; and page 3, lines 5-23 of the present application.

Popp '730 and the present application offer two different, nearly opposite solutions to this problem. Popp '730 approaches the problem by ensuring that the fastener lies in a plane that is parallel to the front and back portions of the garment. For example, in one common configuration, the refastenable seams are tucked within the garment during packaging. By positioning the fastener in a plane that is parallel to the front and back portions in accordance with Popp '730, the probability of the fastener becoming creased or crushed in certain packaging configurations is reduced.

The present application, in direct contrast, approaches the problem by positioning the fastener in a plane that is approximately perpendicular to the front panel of the garment. In certain packaging techniques, it is common for the bonded side seams of the garment to be positioned outside of the stack of garments, rather than being tucked within the stack of garments. Specification, page 3, lines 5-23; and Figs. 15 and 17. In such configurations, the package walls of the bag can tightly press against the side seam. Mechanical fasteners, such as hook components, can become creased or crushed by the pressure of the tightly packed bag against the seam.

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The present application as currently claimed addresses this situation by positioned the packaged garment in such a way that the fastening component lies in a plane that is perpendicular to the plane in which the front panel lies. For example, as representatively illustrated in Figs. 6, 15, and 17, a packaged garment has fastening components 82 that lie in a plane that is perpendicular to the plane in which the front panel 35 lies. This approach helps to decrease the likelihood that in certain packaging configurations, such as those shown in Figs. 14-17, the mechanical fastener 35 will not become creased or crushed due to the pressure imparted by the packaging.

Popp '730 is directed to essentially the opposite of the presently claimed embodiments of Applicants' invention. Popp '730 is directed to packaged, prefastened pant-like garments whose fastener lies in a plane that is parallel to the plane in which the front and back portions of the garment lie. See, e.g., Popp '730, Figs. 4-19. The invention as presently claimed, in direct contrast, is directed to packaged, prefastened pant-like garments whose fastener lies in a plane that is perpendicular to the plane in which the front panel lies. There is no illustration, description, teaching, or suggestion in Popp '730 to position the fastening component so that it lies in a plane that is perpendicular to the plane in which the front panel lies.

Accordingly, Applicants assert that claims 1, 11, and 19, and all claims which depend therefrom, are patentable over Popp '730.

Claim 18 is directed to another embodiment of the invention, and sets forth that the fastening component "lies in a plane approximately parallel to a plane in which an adjacent enclosure side wall lies." In this way, the inward compressive forces associated with packaging exerted by bag side walls upon the resilient fastening components are unlikely to crease, deform, or otherwise damage the fastening components. See Specification, page 44, lines 5-14. Popp '730 does not disclose or suggest such a configuration. Claim 22 sets forth a related variant in which each fastening component lies in a plane which is approximately parallel to a plane occupied by an adjacent enclosure wall. Again, Popp '730 does not disclose or suggest such a configuration.

Accordingly, Applicants assert that claims 18 and 22, and all claims which depend therefrom, are patentable over Popp '730.

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3. Conclusion

The application currently contains claims 1-22 which are believed to be in condition for allowance. Applicants would like to thank the Examiner for the careful attention paid to the present application. Early allowance of the claims in view of the above remarks is earnestly requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-7844.

Respectfully submitted,

ROBERT L. POPP ET AL.

By: 

H. Michael Kubicki

Registration No.: 51,235

Attorney for Applicant(s)

CERTIFICATE OF TRANSMISSION

I, Mary L. Marchant, hereby certify that on June 4, 2007 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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